

Policies and Procedures
POLICY: Individual Accounting of Disclosures
Policy #11
Effective Date: April 2, 2014

Purpose: Pursuant to HIPAA (45 C.F.R §164.528), Individuals have the right to an accounting of disclosures of the Individual's Protected Health Information made by a Covered Entity, with certain exceptions. This policy describes the ILHIE Authority and each Participant's responsibility as it relates to facilitating an Individual's ability to obtain information regarding the disclosure of the Individual's Protected Health Information.

The HITECH Act extends an Individual's right to an accounting to include disclosures to carry out Treatment, Payment, and Health Care Operations through an EHR. This policy will be reconsidered and revised in accordance with anticipated federal regulations related to this right once they become final.

Policy:

1.0 Right to an Accounting of Disclosures. Participants are required by Applicable Law to make available an accounting of certain disclosures of an Individual's Protected Health Information.

1.1 Individual requests received by the ILHIE Authority for an accounting of disclosures of the Individual's Protected Health Information will be forwarded to applicable Participant(s), unless the Individual requests an accounting of disclosures specific only to the Individual's Protected Health Information disclosed through the ILHIE.

1.2 The ILHIE Authority shall record all disclosures of Individual Protected Health Information by each Participant made through the ILHIE.

2.0 Compliance. Participants shall comply with these Policies and Procedures. The ILHIE Authority shall monitor and enforce compliance with and adherence to these Policies and Procedures.

2.1 Participant shall cooperate with the ILHIE Authority in its monitoring and enforcement of the Participant's compliance with these Policies and Procedures.

Procedures:

Patient Procedures

1.0 Individuals are encouraged to direct requests for an accounting of disclosures of the Individual's Protected Health Information to the applicable Participant(s), unless the Individual is requesting an accounting of disclosures specific only to the Individual's Protected Health Information disclosed through the ILHIE. Individuals may submit in

writing, on a form developed and approved by the ILHIE Authority or through other appropriate means, a request for an accounting of disclosures directly to the ILHIE Authority.

Participant Procedures

- 1.0** Participants disclosing Protected Health Information through the ILHIE shall implement a system to record such information as may be necessary to meet its obligations to provide Individuals with an accounting of disclosures of Protected Health Information under Applicable Law.
- 2.0** The applicable Participant(s) shall be responsible for evaluating each Individual request for an accounting of disclosures, determining whether an accounting will be made to the Individual and providing an accounting if appropriate, in compliance with Applicable Law.
- 3.0** The applicable Participant(s) may request the ILHIE Authority to provide the Participant with an accounting of disclosures of an Individual's Protected Health Information made through the ILHIE to enable the Participant to respond to a request for an accounting by an Individual.

ILHIE Authority Procedures:

- 1.0** The ILHIE Authority shall facilitate Individual requests for an accounting of the Individual's Protected Health Information received directly by the ILHIE Authority by forwarding the request to the applicable Participant(s) within ten (10) business days of receipt. The ILHIE Authority will thereafter notify the Individual that the request was forwarded, and will identify to the Individual the Participant(s) to which the request was directed. If requested, the ILHIE Authority will provide an Individual an accounting of disclosures specific only to the Individual's Protected Health Information disclosed through the ILHIE.
- 2.0** In response to an Individual or Participant inquiry regarding requests and disclosures of an Individual's Protected Health Information through the ILHIE, the ILHIE Authority will offer to make available audit log segments relevant to the Individual's Protected Health Information that is the subject of the request.
- 3.0** The ILHIE Authority shall ensure that the ILHIE Authority is capable of tracking all disclosures of Individual Protected Health Information by each Participant made through the ILHIE. The information tracked for each disclosure shall be sufficient to enable a Participant and the ILHIE Authority to provide an accounting to an Individual that complies with all Applicable Law.
- 4.0** The ILHIE Authority shall respond to Individual requests for an accounting of disclosures specific only to the Individual's Protected Health Information disclosed through the ILHIE within 60 days, with a maximum of one 30 day extension, from the ILHIE Authority's receipt of such request. For each disclosure for which an accounting must be provided, the ILHIE Authority response shall at a minimum include the following information:

- (i) The date of the disclosure;
- (ii) The name of the Participant that received the Protected Health Information and, if known, the address of such Participant;
- (iii) A brief description of the Protected Health Information disclosed; and
- (iv) A brief statement of the purpose of the disclosure that reasonably informs the Individual of the basis for the disclosure, or a copy of the written request for the disclosure as made under Applicable Law.

5.0 The ILHIE Authority shall respond to a written request from a Participant for an accounting of disclosures of an Individual's Protected Health Information through the ILHIE where the Individual is a patient of that Participant within 45 days of the ILHIE Authority's receipt of the request, unless the Participant agrees to an extension. For each disclosure for which an accounting is requested, the ILHIE Authority will make reasonable efforts to provide information sufficient to enable the Participant to provide an accounting to the Individual that complies with Applicable Law.

6.0 The ILHIE Authority shall not charge an Individual, or a Participant on behalf of an Individual, a fee for the first request for an accounting within a calendar year; however, the ILHIE Authority may charge a reasonable, cost-based fee for each subsequent request for an accounting by the same Individual or Participant upon behalf of the same Individual within the 12 month period, in a manner consistent with Applicable Law. If a fee will be required, the ILHIE Authority shall inform the Individual or Participant prior to processing the request.

7.0 The ILHIE Authority shall make an accounting of disclosures and audit log segments relevant to a requesting Individual's own data available for six (6) years or otherwise consistent with Applicable Law.

Associated Policies and References

42 U.S.C. §13405(c)

45 C.F.R §164.528

Enforcement

Information Systems Activity Review

Sanctions

Definitions

Applicable Law

Business Associate

EHR

Health Care Operations

HITECH Act

ILHIE Authority

Individual

Participant

Payment

Protected Health Information

Treatment

